

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDERSON NEWS, L.L.C. and LLOYD WHITAKER,
as the Assignee under an Assignment for the Benefit of
Creditors for Anderson Services, L.L.C.,

Plaintiffs,

- against -

AMERICAN MEDIA, INC., BAUER PUBLISHING
CO., L.P., CURTIS CIRCULATION COMPANY,
DISTRIBUTION SERVICES, INC., HACHETTE
FILIPACCHI MEDIA U.S., INC., HEARST
COMMUNICATIONS, INC., HUDSON NEWS
DISTRIBUTORS LLC, KABLE DISTRIBUTION
SERVICES, INC., RODALE, INC., TIME INC., and
TIME/WARNER RETAIL SALES & MARKETING,
INC.,

Defendants.

09-CIV-2227 PAC

Oral Argument Requested

**NOTICE OF MOTION BY
DEFENDANT RODALE, INC. FOR
SUMMARY JUDGMENT AGAINST
ANDERSON NEWS, L.L.C.**

PLEASE TAKE NOTICE, that upon the Declaration of John M. Hadlock, dated December 19, 2014, and the exhibits annexed thereto; and the supporting Memorandum of Law, dated December 19, 2014, defendant Rodale, Inc. ("Rodale") will move this Court at the United States Courthouse, 500 Pearl Street, New York, New York, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for an Order granting summary judgment as against plaintiff Anderson News, L.L.C. ("Anderson") and: (1) dismissing the First Claim of the Amended Complaint for Unlawful Restraint of Trade – Sherman Act; (2) dismissing the Second Claim of the Amended Complaint for Tortious Interference, and (3) dismissing the Third Claim of the Amended

Complaint for Civil Conspiracy, on the ground that there is no genuine dispute as to any material fact as to any of the claims, and that Rodale is entitled to judgment dismissing the amended complaint in its entirety as a matter of law.

In addition, Rodale adopts, as if it were part of its memorandum of law submitted in support of its motion, the legal arguments and cited authorities contained in: (1) the memorandum of law in support of the summary judgment motion against Anderson submitted by defendants Time Inc., Time/Warner Retail Sales & Marketing, Inc., and Hearst Communications, Inc. (as successor in interest to defendant Hachette Filipacchi Media U.S., Inc.); (2) the memorandum of law in support of the summary judgment motion against Anderson submitted by defendants American Media, Inc. and Distribution Services, Inc.; (3) the memorandum of law in support of the summary judgment motion against Anderson submitted by defendant Curtis Circulation Company; and (4) the memorandum of law in support of the summary judgment motion against Anderson submitted by defendant Bauer Publishing Co., L.P.

PLEASE TAKE FURTHER NOTICE, that, pursuant to the Scheduling Order entered in this case dated October 12, 2012, as most recently amended by this Court's order dated November 21, 2014, answering papers, if any, are to be served on counsel for Rodale on March 9, 2015, and reply papers, if any, are to be served on April 17, 2014.

Dated: New York, New York
December 19, 2014

Respectfully Submitted,

ROSENBERG & ESTIS, P.C.

By 

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